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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,557	11/24/2003	John Lee Hammons	9130M	4853

27752 7590 10/31/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER	
HAND, MELANIE JO	
ART UNIT	**PAPER NUMBER**
3761	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/720,557	HAMMONS ET AL.	
	Examiner	Art Unit	
	Melanie J. Hand	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/14/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for priority under copending Provisional Application No. 60/434,792 filed on December 18, 2002.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on November 24, 2003 was filed on the mailing date of the Application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cree et al (U.S. Patent No. 6,103,953).

With respect to **Claim 1:** Cree teaches sanitary napkin 20 with a transverse centerline t, longitudinal centerline l and a thickness in a direction orthogonal to the plane of said centerlines.

Cree teaches that napkin 20 is comprised of a body-facing topsheet 28, backsheet 30 and absorbent core 32 disposed between said topsheet and backsheet. (Fig. 2) (Col. 5, lines 35-39) As can best be seen from Fig. 2, topsheet 28 and backsheet 30 are attached to one another. Cree teaches that topsheet 28 is capable of being selectively apertured by device 74 so as to form only a region of said apertures. (Col. 29, lines 33-43) Cree also teaches flexure-resistant deformation element 82 that is disposed under said topsheet 28 and is comprised of a sheet containing ribs 84 and channel 86 formed therein. (Figs. 13B-D) (Col. 18, lines 15-20)

With respect to **Claim 2:** Cree teaches that topsheet 28 is fused to acquisition layer 34 (Col. 13, lines 31-34) Cree teaches that layer 34 is comprised of capillary channel fibers (Col. 13, lines 51,52) and thus is interpreted herein to be liquid-permeable and thus capable of serving as a second topsheet.

With respect to **Claims 3 and 4:** As stated in Claim 1, Cree teaches ribs 84 disposed under topsheet 28, also forming ribs in said topsheet, and, as can best be seen from Fig. 13C, said ribs 84 are longitudinally oriented.

With respect to **Claim 5:** Cree incorporates by reference European Patent No. 335,252 to Buell as an appropriate example of a flexure element 82. Buell ('252) teaches a lattice structure 82 of embossing points that forms valleys extending in the longitudinal direction in the side edge regions of sanitary napkin 10 ('252, Fig. 25) (Col. 32, lines 19-22,28-30). Cree teaches in Fig. 13C a defined central portion bounded by ribs 84 and as stated previously, teaches that this defined region is capable of being apertured.

With respect to **Claim 6:** The embossing pattern taught by Buell as incorporated by Cree teaches that lattice members 86 are highly densified and therefore interpreted herein by Examiner as deep embossed.

With respect to **Claim 7:** Buell ('252), as incorporated by Cree, teaches that in the areas of the channels created in structure 82, the absorbent article has a dry caliper of 0.5 cm and a dry caliper of at least 6.35 mm overall, therefore the thickness of the channels is at least 50% of the thickness of the absorbent article.

With respect to **Claim 8:** Please see the rejection of Claim 1 above as Claim 8 is rejected for all of the reasons stated with respect to Claim 1 in addition to the following: Cree teaches ribs 84 that define a central region. (Figs. 13C) Cree also teaches by incorporating Buell ('252) as a reference that the regions of said ribs 84 (or channels 86 as taught by Buell) are highly densified ('252, Col. 32, lines 19-22), a term Examiner is concluding implies that said channels or ribs are deep embossed.

With respect to **Claim 9:** Please see the rejection of Claim 2 as Claim 9 is rejected as anticipated by Cree for the same reason stated with respect to Claim 2.

With respect to **Claims 10 and 11:** Please see the rejection of Claims 3 and 4 as Claims 10 and 11 are rejected as anticipated by Cree for the same reason stated with respect to Claims 3 and 4.

With respect to **Claim 12:** Cree teaches ribs 84 that, as can best be seen in Fig. 13C, define an interior portion disposed substantially within said ribs.

With respect to **Claim 13:** Please see the rejection of Claim 1 above as Claim 8 is rejected for all of the reasons stated with respect to Claim 1 in addition to the following: as stated with respect to Claim 3, Cree teaches ribs 84 that create deformations, and as stated with respect to Claim 12, said ribs 84 define an interior region.

With respect to **Claim 14:** Please see the rejection of Claim 2 as Claim 14 is rejected as anticipated by Cree for the same reason stated with respect to Claim 2.

With respect to **Claim 15:** Please see the rejection of Claim 12 as Claim 15 is rejected as anticipated by Cree for the same reason stated with respect to Claim 12.

With respect to **Claim 16:** Please see the rejection of Claims 10 and 11 as Claim 16 is rejected as anticipated by Cree for the same reason stated with respect to Claims 10 and 11.

With respect to **Claim 17:** As can be seen from Fig. 13C, Cree teaches that the length of rib elements 84 is between 1% and 50% of the length of the sanitary napkin 20.

Claims 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rajala (U.S. Patent No. 6,165,306).

With respect to **Claim 18:** Rajala teaches a multicomponent process for producing an absorbent article comprising at least the unit operations of die cutting, sealing web material to a third material component, registering and embossing. (Col. 5, lines 6-10, 20-27, 36-40, 52-55, Col. 6, lines 22-28). Rajala teaches a web of first material 212 that constitutes the backsheet material (Col. 5, lines 6,7, Col. 18, line 57), absorbent component 908 that overlies web 212 and is disposed under transfer delay component 214 (Col. 18, lines 57-60), and third material 222 that constitutes the topsheet material for plural sanitary napkins 900. (Col. 16, lines 56-58, Col. 17, lines 62-65) Rajala teaches optional embossing apparatus 600, interpreted herein as being thus easily removable, comprised of embossing rollers 602 (patterned) and 604 (anvil) through which mated first and second components 224 are fed to produce embossed workpiece 254. (Col. 6, lines 22-28). Although Rajala teaches the attachment of web of topsheet material 222 to web material 224 prior to embossing, Rajala teaches that absorbent core material 908 is added via an optional unit operation upstream of the embossing roll and before mated backsheet material 224 is bonded with topsheet material 222, therefore said absorbent material 908 is disposed between topsheet web 222 and backsheet mated material 224, though the embossing of topsheet 222 occurs after the absorbent core is disposed and the topsheet material 222 and backsheet material 224 are sealed together. Examiner is concluding herein that because the end product is equivalent and the embossing apparati are taught as optional, their unit operation positions in the manufacturing line are movable and thus the assembly line of Rajala is capable of deforming the topsheet material 222 prior to joining it to backsheet material 224 and absorbent component 908.

With respect to **Claim 20:** Please see the rejection of Claim 1, as the reason for which Claim 20 is also rejected as anticipated by Cree is stated therein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajala ('306) in view of Anderson et al (U.S. Patent No. 4,100,324).

With respect to **Claim 19:** Rajala does not teach a unit operation that creates melt weakened points on web material 222. Anderson teaches a method for producing a nonwoven material without the use of adhesives or embossing via mechanical entanglement for the purposes of adhering layers of web material permanently. Anderson teaches nozzles 12 and 13 mounted on a die head 11 that spray heated gas streams 10 and 14 that are subsequently integrated into stream 15 which is applied directly to a web material prior to entering vacuum rollers 30 and 31 rotating over vacuum nozzles 32 and 33, combining the steps of compression and melting of the

nonwoven fibers so as to cause mechanical entanglement. (Col. 4, lines 18-22,24-26, Col. 6, lines 29-42) Since Anderson teaches that this method allows for secure attachment of layers of web material without the use of adhesives (Col. 5, lines 30-35), it would be obvious to someone of ordinary skill in the art to modify the vacuum side commutator system taught by Rajala to accommodate streams of heated gas as well as suction air flow, thereby providing means for creating melt-weakened locations on web material 222 prior to embossing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER